

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

**UNITED STATES OF AMERICA
PLAINTIFF**

v.

**CALVIN CHANCE,
DEFENDANT**

*
*
*
*
*
*
*

CR. NO. 2:06CR122-MEF

MOTION FOR PER RULE 35(B) STATUS CONFERENCE

Comes now Defendant, Calvin Chance, by and through counsel of record, and moves the Court to set this matter for a status conference with respect Rule 35(b), Federal Rules of Criminal Procedure in accordance with the plea agreement entered into between the parties and in support thereof states as follows:

1. On November 21, 2006, the court approved a plea agreement entered into between the United States and Defendant and sentenced defendant accordingly.

2. In the plea agreement, the Government agreed the defendant would received a downward departure under the provisions of Rule 35, FRCrP in exchange for his cooperation in future cases. (Doc 102).

3. At the time Defendant entered into the plea agreement, the Hon. Terry F. Moorner was attorney of record for the Government, however, Judge Moorner was subsequently appointed Magistrate Judge for the Middle District of Alabama and the Hon. Clark Morris assumed responsibilities for this case.

4. Counsel for Defendant has conferred directly with Counsel for the Government on several occasions and believes the Government's failure to comply with the Rule 35 provision of

the plea agreement is due to her unfamiliarity with the assistance Defendant has provided and not due to any non-compliance on the part of Defendant.

Wherefore the above matters considered, Defendant prays this Court set this matter for a status conference and further prays this matter be assigned directly to Magistrate Judge Moorer based upon his personal familiarity with the issues involved.

Respectfully submitted this day, September 3, 2008.

/s/Timothy C. Halstrom
Timothy C. Halstrom
Bar Number HAL021
Attorney for Calvin Chance

Of Counsel:
Timothy C. Halstrom
Bar # HAL021
Attorney At Law
4170 Lomac Street
Montgomery, Alabama 36106
(334)272-6464

CERTIFICATE OF SERVICE

I hereby certify that on September 3, 2008, I electronically filed the foregoing with the Clerk of the Court using CM/ECF system which will send notification of such filing to the respective parties.

/s/Timothy C. Halstrom
Timothy C. Halstrom
Bar Number HAL021